1	MELINDA HAAG (CABN 132612) United States Attorney		
2	J. DOUGLAS WILSON (DCBN 412811) Deputy Chief, Criminal Division		
4	GARTH HIRE (CABN 187330)		
5	Assistant United States Attorney 1301 Clay Street, Suite 340-S Oakland, California 94612-5217 Telephone: (510) 637-3929 Facsimile: (510) 637-3724 E-Mail: Garth.Hire@usdoj.gov Attorneys for Plaintiff		
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9	Attorneys for Flamitin		
10	UNITED STATES DISTRICT COURT		
11	NORTHERN DISTRICT OF CALIFORNIA		
12	OAKLAND DIVISION		
13	UNITED STATES OF AMERICA,) No. CR 09-00070 SBA		
14	Plaintiff,) STIPULATION AND ORDER CONTINUING STATUS CONFERENCE		
15	v.) AND EXCLUDING TIME		
16	JEROME TOY SINCLAIR,		
17	Defendant.		
18			
19	Plaintiff, by and through its attorney of record, and defendant, by and through his		
20	attorney of record, hereby stipulate and ask the Court to find as follows:		
21	1. A status conference in this matter is currently scheduled for 1:00 p.m. on		
22	Tuesday, September 13, 2011. Attorney Claire Leary was recently appointed as new counsel for		
23	defendant.		
24	2. Defendant's counsel has requested an opportunity to view the evidence seized in		
25	this case and the parties are presently in the process of scheduling an appointment to make the		
26	evidence available to new defense counsel for review.		
27			
28			
	STIPULATION AND ORDER RESCHEDULING		

HEARING; EXCLUDING TIME

- 3. In addition, new defense counsel needs the additional time to review the discovery in the case and prepare a defense or motions strategy. The parties believe that failure to grant the above-requested continuance would deny defendant's counsel and defendant the reasonable time necessary for effective preparation taking into account the exercise of due diligence and that the ends of justice served by continuing the case as requested outweigh the interest of the public and defendant in a trial within the date prescribed by the Speedy Trial Act.
- 4. Thus, the parties respectfully request that the Court find that the time period from September 13, 2011, to October 17, 2011, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendant's request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

IT IS SO STIPULATED.

5		MELINDA HAAG United States Attorney
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7	Dated: September 9, 2011	/s/ GARTH HIRE
8		Assistant United States Attorney
9		Attorney for United States of America
0	Dated: September 9, 2011	/s/
1		CLAIRE LEARY
2		Attorney for Defendant

Jerome Toy Sinclair

ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

- 1. The currently scheduled September 13, 2011, status conference hearing is vacated. A status conference hearing is now scheduled for 10:00 a.m. on October 17, 2011.
- 2. The time period from September 13, 2011, to October 17, 2011, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendant's request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, as set forth above, taking into account due diligence.

DATED: <u>9/12/11</u>

HONORABLE SAUNDRA BROWN AKMSTRONG UNITED STATES DISTRICT JUDGE